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2009 OCT -6 PM 1:23

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Attorneys for Plaintiffs

Fiji Water Company LLC, Paramount

International Export Ltd. and Natural

Waters of Viti Limited

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIAFIJI WATER COMPANY, LLC, a
Delaware limited liability company;
PARAMOUNT INTERNATIONAL
EXPORT LTD., a Cayman Islands
company limited by shares, and
NATURAL WATERS OF VITI
LIMITED, a Fijian private company
limited by shares,

Plaintiffs,

v.

FIJI MINERAL WATER USA, LLC, a
Delaware limited liability company;
FMW USA LICENSING, LLC, a
Delaware limited liability company;
MINERAL WATERS OF FIJI, a
business form unknown; PURE
MINERAL WATERS OF FIJI, LLC, a
California limited liability company; FIJI
IMPORTS, LLC, a California limited
liability company; PRESTIGE SALES II,
LLC, a California limited liability
company; STRAUB DISTRIBUTING
COMPANY, LLC, a California limited
liability company; STRAUB
DISTRIBUTING COMPANY, LTD., a
California partnership; DOES 1-10,

Defendants.

Case No. 09-01148 CJC MLGx

COMPLAINT FOR:

FEDERAL TRADEMARK AND
TRADE DRESS
INFRINGEMENT;VIOLATION OF THE LANHAM
ACT SECTION 43(A);FEDERAL TRADEMARK
DILUTION;UNFAIR COMPETITION
UNDER CALIFORNIA
BUSINESS & PROFESSIONS
CODE SECTION 17200 ET SEQ.;CALIFORNIA COMMON LAW
UNFAIR COMPETITION.

DEMAND FOR TRIAL BY JURY

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COMPLAINT

1 Plaintiffs Fiji Water Company LLC, Paramount International Export Ltd., and
2 Natural Waters of Viti Limited, hereby allege as follows:

3 **PARTIES**

4 1. Plaintiff Fiji Water Company LLC (“FWC”) is a Delaware limited liability
5 company with its principal place of business in Los Angeles, California. FWC and its
6 affiliates produce and market bottled still artesian water from the islands of Fiji, and
7 distribute this bottled water product worldwide, including the United States, Southern
8 California, and the greater Los Angeles area.

9 2. Plaintiff Paramount International Export Ltd. (“Paramount International”)
10 is a Cayman Islands company limited by shares, doing business in California.
11 Paramount International is an affiliate of FWC, and is the owner of the trademarks and
12 trade dress used in connection with the FIJI® brand bottled water products at issue in
13 this case.

14 3. Plaintiff Natural Waters of Viti Limited (“NWVL”) is a Fijian private
15 company limited by shares. NWVL is an affiliate of FWC, and operates the production
16 facility in the Fiji Islands that produces Plaintiffs’ bottled water products.

17 4. Plaintiffs FWC, Paramount International, and NWVL are hereinafter
18 collectively referred to as “FIJI” or “Plaintiffs.”

19 5. Defendant Fiji Mineral Water USA, LLC (“FMW”) is a Delaware limited
20 liability company, doing business in California. On information and belief, FIJI alleges
21 that FMW is involved in the importation of Defendants’ bottled water products from the
22 islands of Fiji for further distribution within the United States.

23 6. Defendant FMW USA Licensing, LLC (“FMW Licensing”) is a Delaware
24 limited liability company, doing business in California. On information and belief, FIJI
25 alleges that FMW Licensing or an affiliate has attempted to secure trademark rights in
26 “VITI” for use in connection with Defendants’ bottled water products.

27 7. Defendant Mineral Waters of Fiji (“Mineral Waters”) is a company of
28 unknown business form. On information and belief, FIJI alleges that Mineral Waters’

1 principal place of business is located in the Fiji Islands, and that it either operates,
2 oversees or manages the production and export of Defendants' bottled water products in
3 the Fiji Islands.

4 8. Defendant Pure Mineral Waters of Fiji, LLC ("Pure Waters") is a
5 California limited liability company. On information and belief, FIJI alleges that Pure
6 Waters is involved in the importation and/or distribution of Defendants' bottled water
7 within the United States.

8 9. Defendant Fiji Imports, LLC ("Imports") is a California limited liability
9 company. On information and belief, FIJI alleges that Imports is involved in the
10 importation of Defendants' bottled water products from the islands of Fiji for further
11 distribution within the United States.

12 10. Defendant Prestige Sales II, LLC ("Prestige") is a California limited
13 liability company, doing business in California. On information and belief, FIJI alleges
14 that Prestige distributes Defendants' bottled water within the United States.

15 11. Defendant Straub Distributing Company, LLC ("Straub LLC") is a
16 California limited liability company, doing business in California. On information and
17 belief, FIJI alleges that Straub LLC distributes Defendants' bottled water within the
18 United States.

19 12. Defendant Straub Distributing Company, Ltd. ("Straub Ltd.") is a
20 California limited partnership, doing business in California. On information and belief,
21 FIJI alleges that Straub Ltd. distributes Defendants' bottled water within the United
22 States.

23 13. Defendants FMW, FMW Licensing, Mineral Waters, Pure Waters, Imports,
24 Prestige, Straub LLC, and Straub Ltd. are hereinafter collectively referred to as "VITI."

25 14. FIJI is not aware of the true names and capacities of the Defendants
26 identified herein as Does 1 through 10, inclusive, and therefore fictitiously names said
27 Defendants. FIJI will amend this Complaint to allege the true names and capacities of
28 these fictitiously named Defendants when their identities are ascertained.

15. FIJI is informed and believes, and based thereon alleges, that Defendants FMW, FMW Licensing, Mineral Waters, Pure Waters, Imports, Straub LLC, Straub Ltd., Prestige and each of the fictitiously named Doe Defendants (collectively, “Defendants”) were in some manner responsible for the acts alleged herein and the harm, losses and damages suffered by FIJI as alleged hereinafter. FIJI is also informed and believes, and based thereon alleges, that while participating in such acts, each Defendant was the agent, principal, and/or alter ego of the other Defendants, and was acting in the course and scope of such agency and/or acted with the permission, consent, authorization or ratification of the other Defendants.

16. As described further below, FIJI is informed and believes, and based thereon alleges, that Defendants’ conduct business and distribute their product in California and within this Court’s jurisdiction in Southern California and the greater Los Angeles area.

JURISDICTION AND VENUE

17. This action arises, in part, under the Lanham Act, as amended, 15 U.S.C. Sections 1114, 1125; California Business and Professions Code Section 17200 et seq.; and California common law. This Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. Section 1121 (trademark claims under the Lanham Act), 28 U.S.C. Section 1331 (federal question), 28 U.S.C. Section 1338 (unfair competition related to trademark claims) and 28 U.S.C. Section 1367 (supplemental jurisdiction).

18. FIJI is informed and believes, and based thereon alleges, that venue is proper in this District pursuant to 28 U.S.C. Sections 1391(b) and 1391 (c) because a substantial part of the events giving rise to the claims occurred in this District. Additionally, FIJI is informed and believes, and based thereon alleges, that the Court has personal jurisdiction over Defendants because Defendants conduct their ordinary business activities in this District, have focused a substantial portion of their unlawful conduct in Los Angeles County within this District, have distributed, and sought to distribute, infringing products in this District, and generally engage in business in this

District and the greater Los Angeles area.

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

I. PLAINTIFFS

19. FIJI produces, markets, sells and distributes bottled water products worldwide in connection with its highly distinctive FIJI® brand. FIJI began bottling, selling and marketing natural artesian mineral water from the Fiji Islands under its FIJI® brand in 1996.

20. FIJI® brand water literally created the existing market for bottled water coming from the Fijian Islands. For almost ten years, until 2005, FIJI® brand water was the only commercially available bottled water which originated and was exported from, the Fijian Islands. Today, there are approximately ten bottled water products from the Fijian Islands, including FIJI® brand water.

21. Since 1996, FIJI has invested approximately \$72 million in the FIJI® brand. FIJI® brand water has become the best selling imported brand of bottled water in the United States, having sold over 1.1 billion bottles of water in just over a decade. FIJI also has built substantial goodwill in connection with its FIJI® brand in other countries, including, but not limited to, Fiji, Canada and Australia.

22. Since 1996, FIJI has devoted a great deal of time, money and resources to creating and marketing its inherently distinctive, unique and innovative bottle, label, and packaging design which sets the FIJI® brand apart from its competition. The FIJI® brand is expensive to maintain. For instance, FIJI's inherently distinctive three-dimensional labels require specialized labelling equipment and is a more time consuming process than other labelling techniques. However, FIJI's inherently distinctive and unique label design has won international awards for print and packaging excellence and innovation and has become famous.

23. FIJI's use of uniquely square-shaped packaging and product configuration, combined with its distinct color scheme, tropical motif and transparent labelling, makes the trade dress created by FIJI inherently distinctive ("FIJI Trade Dress"). Some of the

1 elements in the FIJI Trade Dress that make it inherently distinctive include, without
2 limitation, the following:

3 a. a bottle design with a predominantly square shape (and square in
4 shape where the label is affixed);

5 b. a bottle design which is clear and transparent to the naked eye;

6 c. a bottle design which includes a recessed central body portion
7 defined by protruding shoulders and base portions, with the label positioned in the
8 recessed body portion;

9 d. a bottle cap that is a distinct blue color;

10 e. an outer front label which includes the use of a colorful, tropical
11 motif featuring a pink tropical flower in the lower right-hand corner of the label and
12 bottle (from the consumer's perspective);

13 f. an inner back label which includes a depiction of tropical foliage;

14 g. the creation of a three dimensional effect created by use of a partially
15 transparent label on the front panel of the bottle revealing the inner side of the back
16 label;

17 h. prominent use of the four-letter, two-syllable word "FIJI," both
18 syllables ending in the letter "i";

19 i. the stylization of the FIJI® Mark in block, capitalized white letters
20 outlined;

21 j. a distinctive rainwater "drop" on the front portion of the label; and

22 k. a statement on the front label stating it is "From the islands of
23 FIJI®/NATURAL ARTESIAN WATER." Attached hereto as Exhibit A is a true and
24 correct copy of a photograph of the FIJI® Marks and Trade Dress as used in commerce.

25 24. With the exception of the addition of the rainwater "drop" on the front
26 label added in 2007, the above-referenced elements of the FIJI Trade Dress have been
27 continuously used in interstate commerce (and worldwide) in connection with FIJI's
28 bottled water product for many years. In addition to being inherently distinctive, the

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1 predominantly square design of the FIJI® brand bottle itself, combined with the
2 additional trade dress elements, has acquired a secondary meaning, whereby the
3 consuming public and those in the trade associate these features with FIJI as the single
4 source.

5 25. FIJI uses numerous trademarks in interstate commerce in connection with
6 its marketing, distribution and sale of artesian water, many of which are registered with
7 the United States Patent and Trademark Office (“USPTO”). The registered trademarks
8 and trade dress include, without limitation, the word mark FIJI® for use on natural,
9 spring and artesian water (Registration Nos. 2703620 and 2164851); the stylized word
10 mark FIJI® combined with the design of tropical flowers, foliage and water on the
11 packaging of natural, spring and artesian water (Registration Nos. 2703802 and
12 2714973); the stylized mark FIJI® for use on drinking water and natural artesian water
13 (Registration No. 3282520); the design of the stylized word FIJI® and a stylized
14 rendering of a hibiscus flower surrounded by foliage and palm tree fronds for the use on
15 drinking water and natural artesian water for drinking (Registration No. 3285644); the
16 design of the stylized word FIJI® combined with the design of trees, palm tree fronds
17 and flowers for use on drinking water and natural artisan water (Registration No.
18 3,385,371); the design of the stylized word FIJI® combined with the design of palm tree
19 fronds, for use on drinking water and natural artisan water (Registration No. 3,381,795);
20 the design of a hibiscus flower surrounded by foliage, above which appears the stylized
21 word portion of the stylized word FIJI® for use on drinking water and natural artesian
22 water (Registration No. 3282513); and the bottle and cap design for use on natural,
23 spring and artesian water for drinking (Registration Nos. 2911918 and 2286974). FIJI
24 also has numerous registered copyrights in the FIJI bottle labelling. Attached hereto as
25 Exhibit B are true and correct copies of the trademark registration certificates for the
26 registration of the above-referenced FIJI trademarks as issued by the USPTO.

27 26. Defendants had constructive notice of Plaintiffs’ rights in their federally
28 registered trademarks under 15 U.S.C. Section 1072.

1 27. Plaintiff Paramount International owns all right, title and interest to the FIJI
2 trademarks and FIJI Trade Dress (collectively, the “FIJI Marks”). Attached hereto as
3 Exhibit C are printouts of the assignment records of the USPTO reflecting Paramount
4 International’s ownership of the FIJI Marks and their federal registrations.

5 28. The FIJI Marks were custom designed to convey the benefits, uniqueness
6 and purity of water that fell hundreds of years ago, has been filtered through volcanic
7 rock, and is now collected by FIJI from an artesian aquifer deep within the earth.
8 Consistent with this theme, the FIJI Trade Dress incorporates, among other things and
9 by way of example only, its unique square-shaped bottle that creates a three dimensional
10 tropical, pure effect by having a partially transparent label on the bottle’s front panel,
11 revealing the tropical artwork on the inner back label.

12 29. The FIJI Trade Dress also includes proprietary and specialized bottles that
13 are manufactured exclusively for FIJI and require specialized and proprietary equipment
14 and shrink wrap materials for labeling and packaging.

15 30. The FIJI Marks are inherently distinctive. In the alternative, because of
16 FIJI’s exclusive and extensive use of the FIJI Marks, they have acquired considerable
17 value and have become extremely well known to the consuming public as identifying
18 and distinguishing FIJI exclusively, and uniquely, as the source of products to which the
19 FIJI Marks are applied. Thereby, the FIJI Marks have acquired secondary meaning and
20 distinctiveness.

21 31. The FIJI Marks are used uniformly and consistently in every product,
22 advertisement and promotion in commerce in connection with FIJI’s bottled water
23 products.

24 32. FIJI, its distributors and their distributor customers, both nationally and
25 internationally, have continuously and exclusively used the FIJI Marks to distinguish
26 themselves as the source of goods and services in connection with the FIJI Marks.

27 33. FIJI has been careful, skillful and diligent in conducting its business and
28 maintaining uniform standards of high quality in its goods and services. As a result of

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1 these efforts, the FIJI Marks have acquired a public acceptance and reputation, thereby
2 creating a very valuable public goodwill that inures to FIJI's benefit.

3 34. Notwithstanding FIJI's rights in the FIJI Marks, and with notice of FIJI's
4 rights, VITI has in the past, and is continuing to, advertise, distribute, and sell bottled
5 water products which infringe the FIJI Marks. FIJI has never authorized or consented to
6 any such use by VITI of the FIJI Marks.

7 **II. DEFENDANTS**

8 35. In September 2007, FIJI became aware of Defendant FMW Water upon
9 learning of a new bottled water product being sold under the name "VitiBlu," and in a
10 standard round-shaped bottle. At that time and long thereafter, to FIJI's knowledge,
11 sales and distribution of the VitiBlu product was limited to the Fijian Islands. Attached
12 as Exhibit D is a printout of a photograph of the "VitiBlu" product being sold in
13 September 2007 in the Fijian Islands.

14 36. Defendant FMW Water is the registrant of the domain name vitiblu.com.
15 Attached as Exhibit E is a printout of the "WhoIs" registration data for the vitiblu.com
16 domain name.

17 37. According to the website available at vitiblu.com, VitiBlu is distributed in
18 several countries throughout the world and the "Contact Us" webpage states that
19 Defendant FMW Water, located at 751 S. Weir Canyon Road., 157-351 in Anaheim,
20 CA 92808 is the distributor for the VitiBlu product in the U.S. Attached as Exhibit F is
21 a printout of the "Contact Us" webpage from the website available at vitiblu.com.

22 38. On February 27, 2009, Defendant FMW Licensing, located at the same
23 address as Defendant FMW Water, namely, 751 South Weir Canyon Road, #157-351 in
24 Anaheim Hills, CA 92808, filed an application to register the trademark VITI for use in
25 connection with "non alcoholic beverages, namely, drinking water" in International
26 Class 32, assigned Serial No. 77/679,983 by the USPTO. Attached as Exhibit G is a
27 printout from the USPTO's website showing the ownership and status of the VITI
28 trademark application.

39. On July 30, 2009, FIJI filed a Notice of Opposition with the Trademark Trial and Appeals Board (“TTAB”) opposing the registration of the VITI trademark on grounds that FIJI will be harmed due to the high likelihood of confusion between the VITI trademark and the FIJI® trademarks and trade dress when used in connection with identical products. Attached as Exhibit H is a printout from the TTAB’s website of the Notice of Opposition filed against the VITI trademark registration, assigned Opposition No. 91191293.

40. In or around early 2009, FIJI is informed and believes, and based thereon alleges, that, VITI intentionally changed not only the name of its VitiBlu bottled water product, but the overall branding of its VitiBlu product to include many of the FIJI® brand features. Such changes to the VitiBlu brand included, *inter alia*, (a) changing the name from VitiBlu to VITI, making it similar to FIJI®; (b) re-designing the bottle from a standard round-shaped bottled to the same shape, size and dimensions as the distinctive FIJI® bottle; (c) changing the stylization of the brand name from a cursive *VitiBlu* to an outlined block lettering of VITI, similar to FIJI®; (d) changing the label motif from mostly water with a hint of tropical foliage to primarily tropical foliage, similar to FIJI®; (e) changing the phrase “Mineral Water” on the front label to “Natural Artesian Mineral Water,” similar to FIJI®; (e) adding a pink ribbon in the bottom right corner of the front label, similar to the pink hibiscus flower on the bottom right corner of the front label of FIJI®; and (f) the addition of a raindrop on the front label, similar to FIJI®. VITI literally redesigned the trademark and trade dress of its VitiBlu product to copy the inherently distinctive FIJI Marks used by FIJI, and made famous by its distinctiveness, for years. Attached as Exhibit I are printouts of photographs of the original VitiBlu product and the newly designed VITI product.

41. In or about April 2009, FIJI is informed and believes, and based thereon alleges, that VITI began to arrange for distribution, marketing and selling their newly designed “VITI” branded bottled water products throughout the United States, including in California. Recently, FIJI, on information and belief, has learned that VITI has taken

1 steps to significantly expand distribution of its products in California and nationwide.

2 42. FIJI is informed and believes, and based thereon alleges, that Defendants
3 Straub LLC, Straub Ltd., and Prestige are licensed distributors of the infringing VITI
4 products.

5 43. FIJI is further informed and believes, and based thereon alleges, that as part
6 of their sales distribution efforts in the United States, VITI has improperly, and without
7 authorization, willfully and knowingly infringed the inherently distinctive FIJI Marks.

8 44. On the infringing products, by way of example only, and without
9 limitation:

10 a. the VITI product, like FIJI®, has a predominantly square shape (and
11 square shape where the label is affixed);

12 b. the VITI product, like FIJI®, uses a nearly identical bottle design
13 which is clear and transparent to the naked eye;

14 c. the VITI product, like FIJI®, uses a nearly identical bottle design
15 with a recessed central body portion defined by protruding shoulders and base portions,
16 with the label positioned in the recessed body portion;

17 d. the VITI product, like FIJI®, uses a bottle cap which is a nearly
18 identical shade of blue;

19 e. the VITI product, like FIJI®, uses an outer front label which
20 prominently uses the nearly identical color pink in the lower right-hand portion of the
21 bottle (as viewed by a consumer);

22 f. the VITI product, like FIJI®, uses an inner back label featuring a
23 tropical motif;

24 g. the VITI product, like FIJI®, uses a bottle that creates a three
25 dimensional effect by use of a partially transparent label on the front panel of the bottle
26 revealing the pictures on the inner side of the back label;

27 h. the VITI product, like FIJI®, prominently displays a four-letter, two-
28 syllable name “VITI,” both syllables ending in the vowel “i”;

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1 i. the VITI product, like FIJI®, stylizes the “VITI” name in block,
2 capitalized white letters outlined;

3 j. the VITI product, like FIJI®, has a “water drop” on its front label;

4 k. the VITI product, like FIJI®, has a nearly identical statement on the
5 front label stating it is: “From the Mountains of Fiji Islands/VITI NATURAL
6 ARTESIAN MINERAL WATER.”

7 45. Attached hereto as Exhibit J is a true and correct copy of a photograph of
8 the infringing VITI water product.

9 46. VITI intentionally copied the FIJI Marks for use in connection with bottled
10 water, copying not only the inherently distinctive shape of the FIJI bottle but also most
11 every element of the FIJI Trade Dress, including, inter alia, the inherently distinctive
12 coloring of the product and bottle cap; label design, artwork, placement, wording and
13 transparency; the tropical motif; and the four-letter-two syllable product name which is
14 highly similar in sight, sound and meaning to Plaintiffs’ FIJI mark (“Viti” means “Fiji”
15 in Fijian).

16 47. The goods offered for sale and sold by VITI are nearly identical to those of
17 FIJI, and are sold in identical trade channels and are marketed and sold to identical
18 classes of consumers who purchase bottled water with an identical level of
19 sophistication and impulsivity.

20 48. The natural, probable and foreseeable result of the intentional, willful and
21 wrongful conduct of VITI has been to deprive FIJI of business and goodwill, and to
22 injure FIJI’s relationships with existing and prospective customers.

23 49. Further, FIJI is informed and believes, and based thereon alleges, that VITI
24 uses the inherently distinctive FIJI Marks in commerce so as to cause a likelihood of
25 confusion between VITI’s infringing product and the FIJI® product, or to cause
26 mistake, or to deceive the relevant public that VITI’s goods or services are authorized,
27 sponsored or approved by or are affiliated with FIJI. FIJI is further informed and
28 believes, and based thereon alleges, that by intentionally misappropriating the FIJI

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1 Marks, VITI is currently causing customer confusion in the marketplace.

2 50. FIJI is further informed and believes, and based thereon alleges, that it has
3 lost or will lose revenues from the sale of the inherently distinctive FIJI® products, and
4 has sustained and will sustain damages as a result of VITI's wrongful conduct in selling,
5 marketing and distributing the offending VITI infringing products.

6 51. FIJI is further informed and believes, and based thereon alleges, that VITI
7 has been unjustly enriched by its sale and marketing of the infringing products.

8 **FIRST CLAIM FOR RELIEF**

9 (Trademark Infringement Pursuant to 15 U.S.C. § 1114)

10 52. FIJI incorporates by reference Paragraphs 1 through 51 above as though
11 fully set forth herein.

12 53. VITI's imitation, copying, and unauthorized use in commerce of FIJI's
13 federally registered trademarks is likely to cause confusion, mistake, or to deceive the
14 consuming public and trade by creating the erroneous impression that VITI's products
15 have been manufactured, approved, sponsored, endorsed, or guaranteed by, or are in
16 some way affiliated with FIJI.

17 54. The imitation, copying, and unauthorized use of the FIJI Marks causes
18 irreparable injury to FIJI, including injury to its business reputation and the goodwill
19 associated with the FIJI Marks.

20 55. By reason of the foregoing, VITI has infringed FIJI's trademarks and has
21 violated, and is continuing to violate, 15 U.S.C. Section 1114.

22 56. FIJI has no adequate remedy at law for these injuries. Moreover, unless
23 VITI is restrained by this Court from continuing this imitation, copying and
24 unauthorized use of the Marks, these injuries will continue to occur. FIJI is entitled to
25 an injunction restraining VITI, its officers, agents, distributors and employees, and all
26 persons acting in concert with them, from engaging in such further acts in violation of
27 15 U.S.C. Section 1116.

28 57. By reason of VITI's willful acts of trademark infringement, FIJI is entitled

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1 to damages and that those damages be trebled pursuant to 15 U.S.C. Section 1117.

2 58. This is an exceptional case making FIJI eligible for an award of attorneys'
3 fees under 15 U.S.C. Section 1117.

4 59. FIJI is further entitled to recover from VITI the damages it has sustained
5 and will sustain, and any gains, profits and advantages unfairly obtained by VITI as a
6 result of VITI's acts of infringement alleged above. At present, the amount of such
7 damages, gains, profits and advantages cannot be fully ascertained by FIJI.

8 **SECOND CLAIM FOR RELIEF**

9 (Trademark Infringement and False Designation of Origin

10 Pursuant to 15 U.S.C. § 1125(a))

11 60. FIJI incorporates by reference Paragraphs 1 through 59 above as though
12 fully set forth herein.

13 61. VITI's use of the infringing trademarks has confused and is likely to
14 continue to cause confusion or to cause mistake, or to deceive the consuming public into
15 believing that VITI's goods or services are authorized, sponsored or approved by or are
16 affiliate with FIJI.

17 62. These acts constitute trademark infringement of the FIJI Marks and false
18 designation of origin in violation of 15 U.S.C. Section 1125(a), entitling FIJI to relief.

19 63. By reason of VITI's acts, FIJI is, and will continue to be, irreparably
20 harmed if VITI is not enjoined. FIJI's remedy at law is not adequate to compensate it
21 for the injuries inflicted, and FIJI is therefore entitled to entry of injunctive relief
22 pursuant to 15 U.S.C. Section 1116.

23 64. The above-described acts of VITI have irreparably harmed and, if not
24 enjoined, will continue to irreparably harm the general public, which has an interest in
25 being free from confusion, mistake and deception.

26 65. VITI has unfairly profited from the actions alleged and FIJI is therefore
27 entitled to recover from VITI the damages sustained as a result of VITI's acts in
28 violation of 15 U.S.C. Section 1125(a). FIJI is at present unable to ascertain the full

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1 extent of the monetary damages suffered by reason of VITI's acts, but FIJI is informed
2 and believes, and based thereon alleges, that it has sustained such damages in an amount
3 exceeding \$1,000,000.

4 66. Further, because of the willful nature of VITI's acts, FIJI is entitled to
5 damages, and that those damages be trebled pursuant to 15 U.S.C. Section 1117.

6 67. This is an exceptional case making FIJI eligible for an award of attorneys'
7 fees pursuant to 15 U.S.C. Section 1117.

8 **THIRD CLAIM FOR RELIEF**

9 (Trade Dress Infringement and False Designation of Origin

10 Pursuant to 15 U.S.C. § 1125(a))

11 68. FIJI incorporates Paragraphs 1 through 67 above as though set forth fully
12 herein.

13 69. FIJI has used in interstate commerce an inherently distinctive product
14 design in connection with the sale and marketing of FIJI® brand bottled water. The
15 FIJI® product contains inherently distinctive, nonfunctional features which are
16 protected under Lanham Act Section 43(a) [15 U.S.C. Section 1125(a)].

17 70. VITI's use of the infringing trade dress has confused and is likely to
18 continue to cause confusion or to cause mistake, or to deceive the consuming public into
19 believing that FIJI's goods or services are authorized, sponsored or approved by or are
20 affiliate with Plaintiffs.

21 71. These acts constitute trade dress infringement of the FIJI Trade Dress and
22 false designation of origin in violation of 15 U.S.C. Section 1125(a), entitling FIJI to
23 relief.

24 72. By reason of VITI's acts, FIJI is, and will continue to be, irreparably
25 harmed if VITI is not enjoined from its infringing acts. FIJI's remedy at law is not
26 adequate to compensate it for the injuries inflicted, and FIJI is therefore entitled to entry
27 of injunctive relieve pursuant to 15 U.S.C. Section 1116.

28 73. VITI has unfairly profited from the actions alleged, and FIJI is therefore

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1 entitled to recover from VITI the damages sustained as a result of VITI's acts in
2 violation of 15 U.S.C. Section 1125(a). FIJI is at present unable to ascertain the full
3 extent of the monetary damages suffered by reason of VITI's acts, but FIJI is informed
4 and believes, and based thereon alleges, that it has sustained such damages in an amount
5 exceeding \$1,000,000.

6 74. Further, because of the willful nature of VITI's acts, FIJI is entitled to
7 damages, and that those damages be trebled pursuant to 15 U.S.C. Section 1117.

8 75. This is an exceptional case making FIJI eligible for an award of attorneys'
9 fees pursuant to 15 U.S.C. Section 1117.

10 **FOURTH CLAIM FOR RELIEF**

11 (Federal Trademark Dilution Pursuant to 15 U.S.C. § 1125(c))

12 76. FIJI incorporates Paragraphs 1 through 75 above as though set forth fully
13 herein.

14 77. The FIJI Marks are inherently distinctive and famous under 15 U.S.C.
15 Section 1125(c).

16 78. VITI's use of FIJI's inherently distinctive and famous FIJI Marks in
17 commerce began long after the FIJI Marks became famous.

18 79. VITI's conduct causes and will continue to cause dilution of the distinctive
19 quality of the famous FIJI Marks.

20 80. VITI's conduct is the result of willful and wanton disregard of FIJI's
21 established and superior rights. VITI adopted, used and continues to use FIJI's bottle
22 and label design, despite having been put on notice and with full knowledge of FIJI's
23 superior rights, and without authorization. FIJI has suffered, and will continue to suffer,
24 irreparable injury as a result of VITI's unlawful actions and has no adequate remedy at
25 law.

26 81. By reason of VITI's acts, FIJI is, and will continue to be, irreparably
27 harmed if VITI is not enjoined. FIJI's remedy at law is not adequate to compensate it
28 for the injuries inflicted, and FIJI is therefore entitled to entry of injunctive relieve

1 pursuant to 15 U.S.C. Section 1125(c).

2 82. VITI has unfairly profited from the actions alleged, and FIJI is therefore
3 entitled to recover from VITI the damages sustained as a result of VITI's acts in
4 violation of 15 U.S.C. Section 1125(c). FIJI is at present unable to ascertain the full
5 extent of the monetary damages suffered by reason of VITI's acts, but FIJI is informed
6 and believes, and based thereon alleges, that it has sustained such damages in an amount
7 exceeding \$1,000,000.

8 83. Further, because of the willful nature of VITI's acts, FIJI is entitled to
9 damages, and that those damages be trebled pursuant to 15 U.S.C. Sections 1125(c) and
10 1117.

11 84. This is an exceptional case making FIJI eligible for an award of attorneys'
12 fees pursuant to 15 U.S.C. Sections 1125(c) and 1117.

13 **FIFTH CLAIM FOR RELIEF**

14 (Violation of California Unfair Competition Pursuant to
15 Cal. Bus. & Prof. Code Sections 17200, 17500 et seq.)

16 85. FIJI incorporates by reference Paragraphs 1 through 84 above as though
17 fully set forth herein.

18 86. FIJI is informed and believes that VITI is in direct competition with FIJI.

19 87. VITI's willful, knowing and unauthorized promotion, advertisement, sale
20 and offering for sale of infringing goods, causing confusion as to the source of the
21 goods and causing harm to FIJI's goodwill, consist of untrue and misleading statements
22 and constitute an unlawful appropriation of FIJI's exclusive rights in its FIJI trademarks
23 and trade dress.

24 88. By selling and offering for sale, infringing goods and services, VITI is in
25 violation of FIJI's proprietary rights thereby constituting unfair competition as such acts
26 constitute and unlawful, unfair, deceptive and/or fraudulent trade practices and unfair
27 competition in violation of California Business & Professions Code Sections 17200,
28 17500 et seq. The predicate acts comprising VITI's unlawful, unfair, deceptive and/or

{032518.5}

1 fraudulent trade practices or acts include, but are not limited to, the violations of law
2 more fully set forth herein.

3 89. As a direct and proximate result of VITI's wrongful conduct, FIJI has
4 suffered injury in fact, which losses include damage to FIJI's goodwill with its existing,
5 former and potential customers, and actual confusion between VITI's infringing
6 products and the FIJI products.

7 90. These wrongful acts have proximately caused and will continue to cause
8 FIJI substantial injury, including loss of customers, dilution of goodwill, confusion of
9 existing and potential customers, injury to reputation, and diminution of the value of
10 FIJI's products. The harm these wrongful acts will cause to FIJI is both imminent and
11 irreparable, and the amount of damage sustained by FIJI will be impossible to ascertain
12 if these acts continue. As such, FIJI has no adequate remedy at law.

13 91. Pursuant to California Business & Professions Code Section 17203, VITI is
14 required to disgorge and restore to FIJI all profits and property acquired by means of
15 VITI's unfair competition with FIJI.

16 92. Pursuant to California Business & Professions Code Section 17203, FIJI is
17 also entitled to a preliminary and permanent injunction restraining VITI, its respective
18 officers, agents, employees, distributors and all persons acting in concert with them,
19 from engaging in further such unlawful conduct.

20 **SIXTH CLAIM FOR RELIEF**

21 (Violation of California Common Law Unfair Competition)

22 93. FIJI incorporates Paragraphs 1 through 92 above as though set forth fully
23 herein.

24 94. As set forth above, VITI is a competitor of FIJI, and VITI's conduct
25 constitutes unfair competition under California common law.

26 95. By reason of VITI's conduct, FIJI has sustained and will continue to
27 sustain, substantial injury, loss and damage, as set forth above.

28 96. Further irreparable harm and injury to FIJI is imminent as a result of

VITI's conduct, and FIJI is without an adequate remedy at law.

97. FIJI is therefore entitled to an injunction restraining VITI, its agents, employees, representatives, distributors and all persons acting in concert with them, from engaging in further acts of unfair competition.

98. FIJI is further entitled to recover from VITI the damages sustained by FIJI as a result of VITI's acts of unfair competition. FIJI is at present unable to ascertain the full extent of the monetary damages it has suffered by reason of VITI's acts of unfair competition, but FIJI is informed and believes, and based thereon alleges, that they have sustained such damages in an amount exceeding \$1,000,000.

99. Finally, FIJI is informed and believes, and based thereon alleges, that VITI's conduct has been intentional and willful and in conscious disregard of FIJI's rights and, therefore, FIJI is entitled to exemplary or punitive damages under California Civil Code Section 3294 in an amount appropriate to punish VITI and to make an example of VITI to the community at large.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

1. That the Court enter judgment against each Defendant that:

a. Defendants infringed the rights of Plaintiffs in their federally registered trademarks in violation of 15 U.S.C. Section 1114;

b. Defendants infringed the rights of Plaintiffs in the FIJI trademarks in violation of 15 U.S.C. Section 1125;

c. Defendants infringed the rights of Plaintiffs in the FIJI Trade Dress in violation of 15 U.S.C. Section 1125;

d. Defendants diluted the trademarks of Plaintiffs in violation of 15 U.S.C. Section 1125;

e. Defendants engaged in unfair competition and deceptive acts and practices in violation of California Business & Professions Code Sections 17200, 17500, et seq.; and

{032518.5}

1 f. Defendants engaged in unfair competition and deceptive acts and
2 practices in violation of California common law.

3 2. That the Court enter judgment against each Defendant that the above acts,
4 1(a)-(f), were willful and intentional making this an exceptional case.

5 3. That the Court issue a preliminary and permanent injunction enjoining and
6 restraining Defendants and their agents, servants, employees, successors, assigns and all
7 other persons acting in concert or in conspiracy with or affiliated with Defendants from:

8 a. Engaging in any infringing activity including advertising, promoting,
9 marketing, franchising, distributing, selling, and offering for sale, any goods or services
10 in connection with the infringing marks identified herein or any mark similar to
11 Plaintiffs' FIJI Marks; and

12 b. Requiring Defendants to deliver up to Plaintiffs for destruction any
13 and all packaging, advertising and promotional materials in Defendants' possession,
14 custody or control, which contain the infringing marks and/or infringing trade dress.

15 4. That Plaintiffs be awarded damages for Defendants' trademark and trade
16 dress infringement, for Defendants' trademark dilution, and for unfair competition
17 under the Lanham Act, as well as for unfair competition under California common law.

18 5. That Plaintiffs be awarded all profits resulting from Defendants'
19 infringement or dilution of Plaintiffs' rights and by means of Defendants' unfair
20 competition with Plaintiffs.

21 6. That Defendants be ordered to account for and disgorge to Plaintiffs all
22 amounts by which Defendants have been unjustly enriched by reason of the unlawful
23 acts complained of.

24 7. That Plaintiffs be awarded damages resulting from Defendants'
25 infringement in accordance with the provisions of 15 U.S.C. Section 1117.

26 8. That damages resulting from Defendants' infringement and unfair
27 competition under the Lanham Act be trebled due to Defendants' willfulness, in
28 accordance with the provisions of 15 U.S.C. Section 1117.

1 9. That Plaintiffs be awarded exemplary or punitive damages in an amount
2 appropriate to punish Defendants and to make an example of the Defendants to the
3 community.

4 10. That Plaintiffs be awarded an amount sufficient to reimburse Plaintiffs for
5 the costs of corrective advertising.

6 11. For pre-judgment interest on all infringement and other appropriate
7 damages.

8 12. That the Court find this case to be exceptional and award Plaintiffs their
9 reasonable attorneys' fees pursuant to 15 U.S.C. Section 1117, California law, and any
10 other applicable provision of law.

11 13. That the Court award Plaintiffs their costs of suit incurred herein.

12 14. For such other or further relief as the Court may deem just and proper.
13

14 Dated: October 1, 2009

ROLL INTERNATIONAL -LEGAL DEPT.

16
17 By:


CHRISTOPHER VAN GUNDY
JOIE MARIE GALLO
ANDREW E. ASCH

18
19 Attorneys for Plaintiffs
20 Fiji Water Company LLC, Paramount
21 International Export Ltd. and Natural
22 Waters of Viti Limited
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial in connection with this action.

Dated: October 1, 2009

ROLL INTERNATIONAL -LEGAL DEPT.

By: 

~~CHRISTOPHER VAN GUNDY~~
~~JOIE MARIE GALLO~~
~~ANDREW E. ASCH~~

Attorneys for Plaintiffs
Fiji Water Company LLC, Paramount
International Export Ltd. and Natural
Waters of Viti Limited

EXHIBIT “A”



EXHIBIT “B”

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 2,703,620

Registered Apr. 8, 2003

**TRADEMARK
PRINCIPAL REGISTER**

FIJI

NATURAL WATERS OF VITI, LTD. (FIJI COR-
PORATION)
P.O. BOX 4
ASPEN, CO 81612

OWNER OF U.S. REG. NO. 2,164,851.

SEC. 2(F).

FOR: NATURAL, SPRING AND ARTESIAN WA-
TER FOR DRINKING, IN CLASS 32 (U.S. CLS. 45, 46
AND 48).

SER. NO. 76-162,278, FILED 11-10-2000.

FIRST USE 5-16-1997; IN COMMERCE 5-17-1997.

ELIZABETH HUGHITT, EXAMINING ATTORNEY

Int. Cl.: 32

Prior U.S. Cls.: 45, 46, and 48

Reg. No. 2,164,851

United States Patent and Trademark Office

Registered June 9, 1998

**TRADEMARK
SUPPLEMENTAL REGISTER**

FIJI

NATURAL WATERS OF VITI, LTD. (FIJI CORPORATION)
GROUND FLOOR, CIVIC HOUSE, GPO
BOX 14128
SUVA, FIJI ISLANDS, FIJI

FOR: NATURAL, SPRING, AND ARTESIAN
WATER FOR DRINKING, IN CLASS 32 (U.S.
CLS. 45, 46 AND 48).

FIRST USE 2-15-1997; IN COMMERCE
6-1-1997.

SER. NO. 75-189,302, FILED P.R. 10-29-1996;
AM. S.R. 3-30-1998.

MITCHELL FRONT, EXAMINING ATTORNEY

Int. Cl.: 32

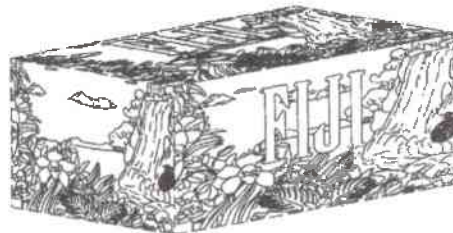
Prior U.S. Cls.: 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 2,703,802

Registered Apr. 8, 2003

**TRADEMARK
PRINCIPAL REGISTER**



NATURAL WATERS OF FIJI, LTD. (FIJI CORPORATION)
P.O. BOX 4
ASPEN, CO 81612

FOR: NATURAL, SPRING AND ARTESIAN WATER FOR DRINKING, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 5-17-1997; IN COMMERCE 5-17-1997.

OWNER OF U.S. REG. NOS. 2,164,851 AND 2,286,974.

THE MARK CONSISTS OF THE TERM "FIJI" AND DESIGNS OF TROPICAL FLOWERS, FOLIAGE AND WATERFALLS PLACED ON THE PACKAGING FOR THE GOODS. THE ACTUAL SHAPE OF THE CONTAINER IS NOT CLAIMED AS PART OF THE MARK AND APPEARS IN DOTTED LINES.

SEC. 2(F).

SER. NO. 76-273,662, FILED 6-19-2001.

ELIZABETH HUGHITT, EXAMINING ATTORNEY

Int. Cl.: 32

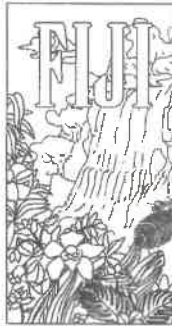
Prior U.S. Cls.: 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 2,714,973

Registered May 13, 2003

**TRADEMARK
PRINCIPAL REGISTER**



NATURAL WATERS OF VITI, LTD. (FIJI COR-
PORATION)
P.O. BOX 4
ASPEN, CO 81612

OWNER OF U.S. REG. NOS. 2,164,851 AND
2,286,974.

SEC. 2(F) AS TO "FIJI",

FOR: NATURAL, SPRING AND ARTESIAN WA-
TER FOR DRINKING, IN CLASS 32 (U.S. CLS. 45, 46
AND 48).

SER. NO. 76-162,280, FILED 11-10-2000.

FIRST USE 5-16-1997; IN COMMERCE 5-17-1997.

DAWN FELDMAN, EXAMINING ATTORNEY

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 3,282,520

Registered Aug. 21, 2007

**TRADEMARK
PRINCIPAL REGISTER**

FIJI

PARAMOUNT INTERNATIONAL EXPORT, LTD.
(CAYMAN ISLANDS COMPANY LIMITED BY
SHARES)
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

OWNER OF U.S. REG. NOS. 2,703,620, 2,714,973
AND OTHERS.

SEC. 2(F).

FOR: DRINKING WATER; NATURAL ARTE-
SIAN WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

SER. NO. 78-718,517, FILED 9-22-2005.

FIRST USE 5-17-1997; IN COMMERCE 5-17-1997.

ROSELLE HERRERA, EXAMINING ATTORNEY

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 3,285,644

Registered Aug. 28, 2007

TRADEMARK
PRINCIPAL REGISTER



PARAMOUNT INTERNATIONAL EXPORT, LTD.
(CAYMAN ISLANDS COMPANY LIMITED BY
SHARES)
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

FOR: DRINKING WATER; NATURAL ARTE-
SIAN WATER FOR DRINKING, IN CLASS 32 (U.S.
CLS. 45, 46 AND 48).

FIRST USE 9-1-2005; IN COMMERCE 9-1-2005.

OWNER OF U.S. REG. NOS. 2,703,620, 2,937,191
AND OTHERS.

THE STIPPLING IS FOR SHADING PURPOSES
ONLY.

THE MARK CONSISTS OF A LABEL PLACED ON
THE FRONT OF A BOTTLE AND A LABEL PLACED

ON THE BACK OF A BOTTLE. THE DESIGN ON
THE FRONT LABEL CONSISTS OF THE STYLIZED
WORD FIJI AND A STYLIZED RENDERING OF A
HIBISCUS FLOWER SURROUNDED BY FOLIAGE.
THE DESIGN ON THE BACK LABEL CONSISTS OF
PALM TREE FRONDS, WHICH FACES THE INTER-
IOR OF THE BOTTLE. WHEN THE TWO DESIGNS
ARE VIEWED TOGETHER FROM THE FRONT,
THEY FORM A COMPLETE SCENE. THE BOTTLE
CAP AND BOTTLE CONFIGURATION ARE
SHOWN IN DOTTED LINES AND ARE NOT
CLAIMED AS A PART OF THE MARK.

SEC. 2(F) AS TO "FIJI".

SER. NO. 78-712,270, FILED 9-13-2005.

ANDREA BUTLER, EXAMINING ATTORNEY

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 3,385,371

Registered Feb. 19, 2008

TRADEMARK
PRINCIPAL REGISTER



PARAMOUNT INTERNATIONAL EXPORT, LTD.
(CAYMAN ISLANDS COMPANY LIMITED BY
SHARES)
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

FOR: DRINKING WATER; BOTTLED NATURAL
ARTESIAN WATER, IN CLASS 32 (U.S. CLS. 45, 46
AND 48).

FIRST USE 9-1-2005; IN COMMERCE 9-1-2005.

OWNER OF U.S. REG. NOS. 2,703,620 AND
2,714,973.

THE STIPPLING IS FOR SHADING PURPOSES
ONLY.

THE MARK CONSISTS OF THE WORD FIJI
CENTERED IN THE TOP THIRD OF THE MARK,

A STYLIZED DESIGN OF A HIBISCUS FLOWER
SURROUNDED BY FOLIAGE APPEARS AT THE
BOTTOM RIGHT HAND PART OF THE MARK,
AND PALM TREE FRONDS EMANATE FROM THE
TOP RIGHT HAND AND THE BOTTOM RIGHT
HAND CORNER OF THE MARK. THE WORD FIJI
AND THE HIBISCUS FLOWER SURROUNDED BY
FOLIAGE ARE ON THE FRONT LABEL OF THE
BOTTLE UPON WHICH THE MARK APPEARS,
AND THE PALM TREE FRONDS ARE ON THE
BACK LABEL OF THE BOTTLE WHICH IS TRANS-
PARENT, CAUSING THE TWO LABELS TO BE
VIEWED TOGETHER AS ONE MARK.

SEC. 2(F) AS TO FIJI.

SER. NO. 78-712,329, FILED 9-13-2005.

COLLEEN KEARNEY, EXAMINING ATTORNEY

Int. Cl.: 32

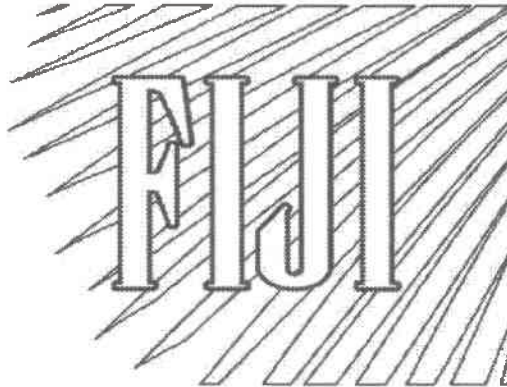
Prior U.S. Cls.: 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 3,381,795

Registered Feb. 12, 2008

**TRADEMARK
PRINCIPAL REGISTER**



PARAMOUNT INTERNATIONAL EXPORT, LTD.
(CAYMAN ISLANDS COMPANY LIMITED BY
SHARES)

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

FOR: DRINKING WATER; BOTTLED NATURAL
ARTESIAN WATER, IN CLASS 32 (U.S. CLS. 45, 46
AND 48).

FIRST USE 9-1-2005; IN COMMERCE 9-1-2005.

OWNER OF U.S. REG. NOS. 2,703,620 AND
2,714,973.

THE MARK CONSISTS OF A STYLIZED REN-
DERING OF PALM TREE FRONDS AND THE
WORD PORTION OF THE MARK, FIJI.

SEC. 2(F) AS TO FIJI.

SER. NO. 78-762,941, FILED 11-29-2005.

COLLEEN KEARNEY, EXAMINING ATTORNEY

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 3,282,513

Registered Aug. 21, 2007

**TRADEMARK
PRINCIPAL REGISTER**

FIJI



PARAMOUNT INTERNATIONAL EXPORT, LTD.
(CAYMAN ISLANDS COMPANY LIMITED BY
SHARES)

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

FOR: DRINKING WATER; NATURAL ARTE-
SIAN WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 9-1-2005; IN COMMERCE 9-1-2005.

OWNER OF U.S. REG. NOS. 2,703,620, 2,714,973
AND OTHERS.

THE STIPPLING IS FOR SHADING PURPOSES
ONLY.

THE MARK CONSISTS OF A STYLIZED REN-
DERING OF A HIBISCUS FLOWER SURROUNDED
BY FOILAGE, ABOVE WHICH APPEARS THE
WORD PORTION OF THE MARK, FIJI.

SEC. 2(F) AS TO FIJI.

SER. NO. 78-712,299, FILED 9-13-2005.

CHERYL CLAYTON, EXAMINING ATTORNEY

Int. Cl.: 32

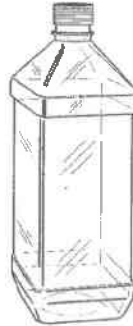
Prior U.S. Cls.: 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 2,911,918

Registered Dec. 21, 2004

TRADEMARK
PRINCIPAL REGISTER



NATURAL WATERS OF VITI, LTD. (FIJI CORPORATION)
P.O. BOX 4
ASPEN, CO 81612

FOR: NATURAL, SPRING AND ARTESIAN WATER FOR DRINKING, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 5-16-1997; IN COMMERCE 5-17-1997.

OWNER OF U.S. REG. NO. 2,286,974.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE REPRESENTATION OF THE

SHAPE OF THE BOTTLE CAP, APART FROM THE MARK AS SHOWN.

THE CAP IS LINED FOR THE COLOR BLUE.

THE MARK CONSISTS OF A CONFIGURATION OF A BOTTLE AND CAP. THE BOTTLE AND CAP ARE DEPICTED IN SOLID LINES AND ARE PART OF THE MARK.

SEC. 2(F).

SER. NO. 76-162,286, FILED 11-10-2000.

ELIZABETH HUGHITT, EXAMINING ATTORNEY

Int. Cl.: 32

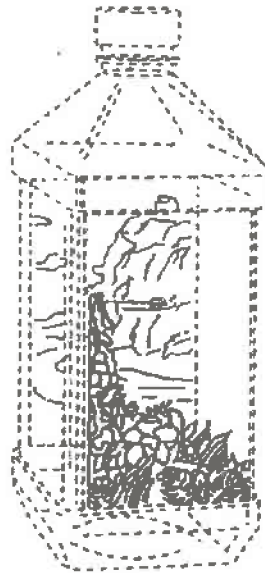
Prior U.S. Cls.: 45, 46 and 48

Reg. No. 2,286,974

United States Patent and Trademark Office

Registered Oct. 19, 1999

**TRADEMARK
PRINCIPAL REGISTER**



NATURAL WATERS OF VITI, LTD. (FIJI CORPORATION)
GROUND FLOOR, CIVIC HOUSE, GPO
BOX 14128
SUVA, FIJI ISLANDS, FIJI

FOR: NATURAL SPRING AND ARTESIAN WATER FOR DRINKING, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 5-16-1997; IN COMMERCE 5-17-1997.

THE MARK CONSISTS OF DESIGNS SHOWN ON LABELS ON THE FRONT AND BACK OF THE BOTTLE. THE DESIGN ON THE FRONT LABEL CONSISTS OF TROPICAL FLOWERS

AND FOLIAGE. THE DESIGN ON THE BACK LABEL CONSISTS OF A WATERFALL WHICH FACES THE INTERIOR OF THE BOTTLE. WHEN THE DESIGNS ARE VIEWED TOGETHER FROM THE FRONT, THEY FORM A COMPLETE SCENE. THE BOTTLE, CAP AND LABELS ARE DEPICTED IN DOTTED LINES TO SHOW PLACEMENT ONLY AND ARE NOT PART OF THE MARK.

SER. NO. 75-313,250, FILED 6-23-1997.

ELIZABETH PASQUINE, EXAMINING ATTORNEY

EXHIBIT “C”



United States Patent and Trademark Office

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Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: [76162278](#)

Filing Dt: 11/10/2000

Reg #: [2703620](#)

Reg. Dt: 04/08/2003

Registrant: Natural Waters of Viti, Ltd.

Mark: FIJI

Assignment: 1

Reel/Frame: [3245/0897](#)

Received: 02/11/2006

Recorded: 02/11/2006

Pages: 5

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE ASSIGNOR; ASSIGNEE'S CITIZENSHIP; EXECUTION DATE PREVIOUSLY RECORDED ON REEL 003036 FRAME 0945. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL.

Assignor: [NATURAL WATERS OF VITI, LTD.](#)

Exec Dt: 02/07/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [FIJI WATER COMPANY LLC](#)11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL, TRADEMARK ADMINISTRATOR
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 2

Reel/Frame: [3036/0945](#)

Received: 03/01/2005

Recorded: 03/01/2005

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [NATURAL WATER OF VITI LIMITED](#)

Exec Dt: 03/01/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIMITED COMPANY

Citizenship: DELAWARE

Assignee: [FIJI WATER COMPANY LLC](#)11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 3

Reel/Frame: [3302/0259](#)

Received: 05/03/2006

Recorded: 05/03/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [FIJI WATER COMPANY LLC](#)

Exec Dt: 04/26/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: A CAYMAN ISLANDS COMPANY
LIMITED SHARES

Citizenship: CAYMAN ISLANDS

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#)11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL
11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CA 90064

Search Results as of: 08/21/2009 02:05 PM
If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web interface last modified: October 18, 2008 v.2.0.2

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Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: [75189302](#)

Filing Dt: 10/29/1996

Reg #: [2164851](#)

Reg. Dt: 06/09/1998

Registrant: Natural Waters of Viti, Ltd.

Mark: FIJI

Assignment: 1

Reel/Frame: [3245/089Z](#)

Received: 02/11/2006

Recorded: 02/11/2006

Pages: 5

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE ASSIGNOR; ASSIGNEE'S CITIZENSHIP; EXECUTION DATE PREVIOUSLY RECORDED ON REEL 003036 FRAME 0945. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL.

Assignor: [NATURAL WATERS OF VITI, LTD.](#)

Exec Dt: 02/07/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [FIJI WATER COMPANY LLC](#)11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL, TRADEMARK ADMINISTRATOR
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 2

Reel/Frame: [3036/0945](#)

Received: 03/01/2005

Recorded: 03/01/2005

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [NATURAL WATER OF VITI LIMITED](#)

Exec Dt: 03/01/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIMITED COMPANY

Citizenship: DELAWARE

Assignee: [FIJI WATER COMPANY LLC](#)11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 3

Reel/Frame: [3302/0259](#)

Received: 05/03/2006

Recorded: 05/03/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [FIJI WATER COMPANY LLC](#)

Exec Dt: 04/26/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: A CAYMAN ISLANDS COMPANY
LIMITED SHARES

Citizenship: CAYMAN ISLANDS

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#)11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL
11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CA 90064

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Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: [76273662](#)

Filing Dt: 06/19/2001

Reg #: [2703802](#)

Reg. Dt: 04/08/2003

Registrant: Natural Waters of Viti, Ltd.

Mark: FIJI

Assignment: 1

Reel/Frame: [3245/0897](#)

Received: 02/11/2006

Recorded: 02/11/2006

Pages: 5

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE ASSIGNOR; ASSIGNEE'S CITIZENSHIP; EXECUTION DATE PREVIOUSLY RECORDED ON REEL 003036 FRAME 0945. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL.

Assignor: [NATURAL WATERS OF VITI, LTD.](#)**Exec Dt:** 02/07/2005**Entity Type:** CORPORATION**Citizenship:** FIJI**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** DELAWARE**Assignee:** [FIJI WATER COMPANY LLC](#)11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL, TRADEMARK ADMINISTRATOR
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 2

Reel/Frame: [3036/0945](#)

Received: 03/01/2005

Recorded: 03/01/2005

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST**Assignor:** [NATURAL WATER OF VITI LIMITED](#)**Exec Dt:** 03/01/2005**Entity Type:** CORPORATION**Citizenship:** FIJI**Entity Type:** LIMITED LIMITED COMPANY**Citizenship:** DELAWARE**Assignee:** [FIJI WATER COMPANY LLC](#)11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 3

Reel/Frame: [3302/0259](#)

Received: 05/03/2006

Recorded: 05/03/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST**Assignor:** [FIJI WATER COMPANY LLC](#)**Exec Dt:** 04/26/2006**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** DELAWARE**Entity Type:** A CAYMAN ISLANDS COMPANY
LIMITED SHARES**Citizenship:** CAYMAN ISLANDS**Assignee:** [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#)11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL
11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CA 90064

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Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: [76162280](#)

Filing Dt: 11/10/2000

Reg #: [2714973](#)

Reg. Dt: 05/13/2003

Registrant: Natural Waters of Viti, Ltd.

Mark: FIJI

Assignment: 1

Reel/Frame: [3245/0897](#)

Received: 02/11/2006

Recorded: 02/11/2006

Pages: 5

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE ASSIGNOR; ASSIGNEE'S CITIZENSHIP; EXECUTION DATE PREVIOUSLY RECORDED ON REEL 003036 FRAME 0945. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL.

Assignor: [NATURAL WATERS OF VITI, LTD.](#)

Exec Dt: 02/07/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [FIJI WATER COMPANY LLC](#)11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL, TRADEMARK ADMINISTRATOR

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 2

Reel/Frame: [3036/0945](#)

Received: 03/01/2005

Recorded: 03/01/2005

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [NATURAL WATER OF VITI LIMITED](#)

Exec Dt: 03/01/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIMITED COMPANY

Citizenship: DELAWARE

Assignee: [FIJI WATER COMPANY LLC](#)11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL

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Assignment: 3

Reel/Frame: [3302/0259](#)

Received: 05/03/2006

Recorded: 05/03/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [FIJI WATER COMPANY LLC](#)

Exec Dt: 04/26/2005

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: A CAYMAN ISLANDS COMPANY
LIMITED SHARES

Citizenship: CAYMAN ISLANDS

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#)11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [78718517](#)

Filing Dt: 09/22/2005

Reg #: [3282520](#)

Reg. Dt: 08/21/2007

Registrant: PARAMOUNT INTERNATIONAL EXPORT, LTD.

Mark: FIJI

Assignment: 1

Reel/Frame: [3413/0564](#)

Received: 10/20/2006

Recorded: 10/20/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [FIJI WATER COMPANY LLC](#)

Exec Dt: 10/19/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: COMPANY LIMITED BY
SHARES

Citizenship: CAYMAN ISLANDS

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#),
11444 W. OLYMPIC BLVD., 10TH FLOOR
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1900 AVENUE OF THE STARS, 7TH FLOOR
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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [78712270](#)

Filing Dt: 09/13/2005

Reg #: [3285644](#)

Reg. Dt: 08/28/2007

Registrant: PARAMOUNT INTERNATIONAL EXPORT, LTD.

Mark: FIJI

Assignment: 1

Reel/Frame: [3413/0564](#)

Received: 10/20/2006

Recorded: 10/20/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [FIJI WATER COMPANY LLC](#)

Exec Dt: 10/19/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: COMPANY LIMITED BY
SHARES

Citizenship: CAYMAN ISLANDS

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#)

11444 W. OLYMPIC BLVD., 10TH FLOOR

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Trademark Assignment Abstract of Title

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Serial #: [78712329](#)

Filing Dt: 09/13/2005

Reg #: [3385371](#)

Reg. Dt: 02/19/2008

Registrant: PARAMOUNT INTERNATIONAL EXPORT, LTD.

Mark: FIJI

Assignment: 1

Reel/Frame: [3413/0564](#)

Received: 10/20/2006

Recorded: 10/20/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [FIJI WATER COMPANY LLC](#)

Exec Dt: 10/19/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: COMPANY LIMITED BY
SHARES

Citizenship: CAYMAN ISLANDS

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#)

11444 W. OLYMPIC BLVD., 10TH FLOOR

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Correspondent: CHRISTINE L. LOFGREN, ESQ.

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [78762941](#)

Filing Dt: 11/29/2005

Reg #: [3381795](#)

Reg. Dt: 02/12/2008

Registrant: PARAMOUNT INTERNATIONAL EXPORT, LTD.

Mark: FIJI

Assignment: 1

Reel/Frame: [3413/0564](#)

Received: 10/20/2006

Recorded: 10/20/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [FIJI WATER COMPANY LLC](#)

Exec Dt: 10/19/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: COMPANY LIMITED BY
SHARES

Citizenship: CAYMAN ISLANDS

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#)

11444 W. OLYMPIC BLVD., 10TH FLOOR

LOS ANGELES, CALIFORNIA 90064

Correspondent: CHRISTINE L. LOFGREN, ESQ.

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [78712299](#)

Filing Dt: 09/13/2005

Reg #: [3282513](#)

Reg. Dt: 08/21/2007

Registrant: PARAMOUNT INTERNATIONAL EXPORT, LTD.

Mark: FIJI

Assignment: 1

Reel/Frame: [3413/0564](#)

Received: 10/20/2006

Recorded: 10/20/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [FIJI WATER COMPANY LLC](#)

Exec Dt: 10/19/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: COMPANY LIMITED BY
SHARES

Citizenship: CAYMAN ISLANDS

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#)11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: CHRISTINE L. LOFGREN, ESQ.

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Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: [76162286](#)

Filing Dt: 11/10/2000

Reg #: [2911918](#)

Reg. Dt: 12/21/2004

Registrant: Natural Waters of Viti, Ltd.

Mark:

Assignment: 1

Reel/Frame: [3245/0897](#)

Received: 02/11/2006

Recorded: 02/11/2006

Pages: 5

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Assignor: [NATURAL WATERS OF VITI, LTD.](#)

Exec Dt: 02/07/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [FIJI WATER COMPANY LLC](#)11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL, TRADEMARK ADMINISTRATOR

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 2

Reel/Frame: [3036/0945](#)

Received: 03/01/2005

Recorded: 03/01/2005

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [NATURAL WATER OF VITI LIMITED](#)

Exec Dt: 03/01/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIMITED COMPANY

Citizenship: DELAWARE

Assignee: [FIJI WATER COMPANY LLC](#)11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 3

Reel/Frame: [3302/0259](#)

Received: 05/03/2006

Recorded: 05/03/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [FIJI WATER COMPANY LLC](#)

Exec Dt: 04/26/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: A CAYMAN ISLANDS COMPANY
LIMITED SHARES

Citizenship: CAYMAN ISLANDS

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#)11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL

11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CA 90064

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Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: [75313250](#)

Filing Dt: 06/23/1997

Reg #: [2286974](#)

Reg. Dt: 10/19/1999

Registrant: Natural Waters of Viti, Ltd.

Mark:

Assignment: 1

Reel/Frame: [3245/0897](#)

Received: 02/11/2006

Recorded: 02/11/2006

Pages: 5

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE ASSIGNOR; ASSIGNEE'S CITIZENSHIP; EXECUTION DATE PREVIOUSLY RECORDED ON REEL 003036 FRAME 0945. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL.

Assignor: [NATURAL WATERS OF VITI, LTD.](#)

Exec Dt: 02/07/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [FIJI WATER COMPANY LLC](#)11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064Correspondent: LATUNDA POWELL, TRADEMARK ADMINISTRATOR
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 2

Reel/Frame: [3036/0945](#)

Received: 03/01/2005

Recorded: 03/01/2005

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [NATURAL WATER OF VITI LIMITED](#)

Exec Dt: 03/01/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIMITED COMPANY

Citizenship: DELAWARE

Assignee: [FIJI WATER COMPANY LLC](#)11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064Correspondent: LATUNDA POWELL
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 3

Reel/Frame: [3302/0259](#)

Received: 05/03/2006

Recorded: 05/03/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [FIJI WATER COMPANY LLC](#)

Exec Dt: 04/26/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: A CAYMAN ISLANDS COMPANY
LIMITED SHARES

Citizenship: CAYMAN ISLANDS

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#)11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CALIFORNIA 90064Correspondent: LATUNDA POWELL
11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CA 90064

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EXHIBIT “E”

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VitiBlu.com Whois Record (Viti Blu)

Domain name

Whois

Front Page Information

Website Title: [VitiBlu](#)

Title Relevancy: 0%

SEO Score: 0%

About Us: [Wiki article on VitiBlu.com](#)

Registry Data

ICANN Registrar: NETWORK SOLUTIONS, LLC.

Created: 2006-05-31

Expires: 2010-05-31

Updated: 2007-10-27

Registrar Status: [clientTransferProhibited](#)

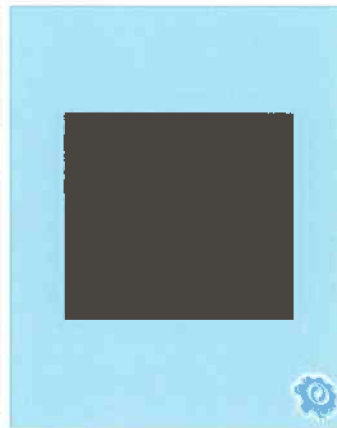
Name Server: NS41.WORLDDNIC.COM (has [2,903,632 domains](#))

Name Server: NS42.WORLDDNIC.COM (has [2,903,632 domains](#))

Whois Server: [whois.networksolutions.com](#)

Thumbnail:

2009-07-14



Server Data

IP Address: 205.178.145.65 [Whois](#) | [Reverse-IP](#) | [Ping](#) | [DNS Lookup](#)
| [Traceroute](#)

IP Location: - Virginia - Herndon - Network Solutions Llc

Response Code: 200

Domain Status: Registered And Active Website

DomainTools Exclusive

Registrant Search: "Fiji Mineral Water USA, LLC" owns about [6 other domains](#)

Email Search: [lalslaw@gmail.com](#) is associated with about 6 domains

Registrar History: [2 registrars](#)

NS History: [2 changes](#) on 2 unique name servers over 2 years.

IP History: [51 changes](#) on 16 unique name servers over 3 years.

Whois History: [8 records](#) have been archived since 2007-11-05

Reverse IP: [361,917 other sites](#) hosted on this server.

Monitor Domain: [Set Free Alerts on vitiblu.com](#)

Free Tool: [Download DomainTools for Windows](#)



Whois Record

Registrant:
Fiji Mineral Water USA, LLC
751 S Weir Canyon Road #351
Anaheim Hills, CA 92808
US

Domain Name: VITIBLU.COM

SEO Text Browser

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false

Administrative Contact, Technical Contact:
Fiji Mineral Water USA, LLC

latlaw@msn.com

751 S Weir Canyon Road #351
Anaheim Hills, CA 92808
US
714-366-9531

Record expires on 31-May-2010.
Record created on 24-Oct-2007.
Database last updated on 14-Sep-2009 19:13:51 EDT.

Domain servers in listed order:

NS41.WORLDDNIC.COM 205.178.190.21
NS42.WORLDDNIC.COM 205.178.144.21

<http://www.vitiblu.com>

[Disable SEO Text Browser \(Beta \)](#)

Other TLDs

[.com](#) [.net](#) [.org](#) [.biz](#) [.info](#) [.us](#)

Symbol Key

[Show Key](#)

Domains At Auction

Domain	Auction Date
StudioPrevitl.com	09-15-2009
IStopActivities.com	09-15-2009
Adaptivities.com	09-15-2009
RIGvitiSl.com	09-15-2009
YourActivities.com	09-16-2009
TheVisualMinsHoppe.com	09-16-2009
C-Activities.com	09-16-2009
AllActivitiesClub.com	09-16-2009
ExclusiViti.com	09-16-2009
Progressiviti.co.uk	09-16-2009
ActivitiesKawal.com	09-17-2009

Compare Similar Domains

Domain	Created
Vi Tib	2000-04-03
Viti Ce	2000-04-06
Viti Best	2000-06-27
Viti Az Ey	2002-10-19
Vi Tic	2003-03-08
Viti Bank	2003-12-28
Viti Bath	2005-04-18
Viti Bzf	2005-06-01
Viti Blog	2005-10-09
Viti Bullion! Cerniere	2006-03-15
Viti Bank Online	2006-03-27
Viti Blue	2006-05-30
Viti Blu	2006-05-31
Viti Cam	2006-11-08
Viti Cal	2006-11-09

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- ☒ Front Page
 ☒ Indexed Data
☒ Server Data
 ☒ Registry Data
☒ Exclusive Data
 ☒ Whois Record

EXHIBIT “F”



[Home](#) [Taste Paradise](#) [Silica Miracle](#) [Our Products](#) [Contact Us](#) [Online Order](#) [Helping Hands](#)



Taste Paradise

[Artesian Water](#)
[Bottled at Source](#)
[Product of Fiji](#)
[Philosophy-Profile](#)

Silica Miracle

Our Products

Contact Us

Online Order

Helping Hands

Our Offices are Situated Worldwide

Contact Us at VitiBlū:

Mineral Waters of Fiji

Drasa Mountain, Johnson Road,
PO Box 112, Lautoka, Fiji Islands.
Telephone: + (679) 664-0482 | Facsimile: + (679) 664-0167
Email Us for More Information - [Click Here](#)

OUR FIJI DISTRIBUTORS

Fiji and South Pacific
Mineral Water of Fiji
Box 112, Lautoka, Fiji.
Tel: (679) 664-0482
Fax: (679) 664-0167
info@vitiblu.com
www.vitiblu.com

For Public Relations, please contact:
pr@vitiblu.com

For Consumer Request, please contact:
customercare@vitiblu.com

For Sales and Distribution, please
contact: sales@vitiblu.com

Our International Distributors and Agents:



United States

Fiji Mineral Water, USA, LLC
751 S. Weir Canyon Rd., #157-351
Anaheim, CA 92808
Toll Free: 1-888-FIJI USA
Office- 714-282-8780
Fax: (714) 283-3738
us@vitiblu.com



**New Zealand and Australia
International Beverage Distributors**

P. O. Box 27467
Mt. Roskil, Auckland, New Zealand
Tele: +02-74-302473 : Fax: (649) 664-0167
nz@vitiblu.com

Canada and Quebec

Euro - Health Distributors
#101-1907 W. 4th Av,
Vancouver, BC. V6J, 1M7
Tele: 604-877-2232
Fax : 604-734-3878
canada@vitiblu.com

United Kingdom/Ireland

NNP-Europe Ltd
#8- 33 Oatlands Chase
Weybridge, Surrey. KT13,9RP
Tel-447793279089
Fax- 01932429531
uk@vitiblu.com

Singapore

Deluge Pte Ltd.
3 JOO Koon Crescent
Singapore, (629008)
Tel: (65) 67623688

**Germany and France and Europe
TBA**

Japan

Open for Distribution

China/Agent

Open For Distribution



Drink Pure...

Taste Paradise...!

[Home](#) [Taste Paradise](#) [Silica Miracle](#) [Our Products](#) [Contact Us](#) [Online Order](#) [Helping Hands](#)

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EXHIBIT “G”

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2009-10-01 14:45:50 ET

Serial Number: 77679983 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark



(words only): VITI

Standard Character claim: No

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2009-07-30

Filing Date: 2009-02-27

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 117

Attorney Assigned:
EVANKO PATRICIA MALESARDI

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-05-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. FMW USA LICENSING, LLC

Address:
FMW USA LICENSING, LLC
751 South Weir Canyon Road, #157-351

Anaheim Hills, CA 92808

United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 032

Class Status: Active

non alcoholic beverages, namely, drinking water

Basis: 1(a)

First Use Date: 2004-12-00

First Use in Commerce Date: 2004-12-00

ADDITIONAL INFORMATION

Color(s) Claimed: The color(s) white, blue and silver is/are claimed as a feature of the mark.

Description of Mark: The word "VITI" and the drop of water are white outlined in blue on a transparent rectangular background outlined in silver

Design Search Code(s):

01.15.08 - Raindrop (a single drop); Single drop (rain, tear, etc.); Teardrop (a single drop)

26.11.20 - Rectangles inside one another

26.11.21 - Rectangles that are completely or partially shaded

Prior Registration Number(s):

3513130

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-07-30 - Opposition instituted for Proceeding

2009-07-30 - Opposition papers filed

2009-06-30 - Published for opposition

2009-06-10 - Notice of publication

2009-05-22 - Law Office Publication Review Completed

2009-05-22 - Assigned To LIE

2009-05-22 - Approved for Pub - Principal Register (Initial exam)

2009-05-22 - Examiner's Amendment Entered

2009-05-22 - Notification Of Examiners Amendment E-Mailed

2009-05-22 - Examiners amendment e-mailed

2009-05-22 - Examiners Amendment -Written

2009-05-20 - Assigned To Examiner

2009-03-16 - TEAS Amendment Entered Before Attorney Assigned

2009-03-16 - TEAS Preliminary Amendment Received

2009-03-04 - Notice Of Design Search Code Mailed

2009-03-03 - New Application Office Supplied Data Entered In Tram

2009-03-03 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Eric J. Goodman

Correspondent

ERIC J. GOODMAN
BURKHALTER KESSLER GOODMAN & GEORGE LLP
2020 MAIN ST STE 600
IRVINE, CA 92614-8226

EXHIBIT “H”

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>

ESTTA Tracking number: **ESTTA298349**

Filing date: **07/30/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Paramount International Export, Ltd.		
Entity	Company Limited By Shares	Citizenship	Cayman Islands
Address	11444 W. Olympic Blvd. Los Angeles, CA 90064 UNITED STATES		

Attorney information	Craig B. Cooper, Esq. Roll International Corporation and Affiliates 11444 W. Olympic Blvd., 10th Floor Los Angeles, CA 90064 UNITED STATES DSugimoto@Roll.com, DCriona@Roll.com, LPowell@Roll.com Phone:(310) 966-5728
----------------------	---

Applicant Information

Application No	77679983	Publication date	06/30/2009
Opposition Filing Date	07/30/2009	Opposition Period Ends	07/30/2009
Applicant	FMW USA LICENSING, LLC 751 South Weir Canyon Road, #157-351 Anaheim Hills, CA 92808 UNITED STATES		

Goods/Services Affected by Opposition


Class 032. First Use: 2004/12/00 First Use In Commerce: 2004/12/00
All goods and services in the class are opposed, namely: non alcoholic beverages, namely, drinking water


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

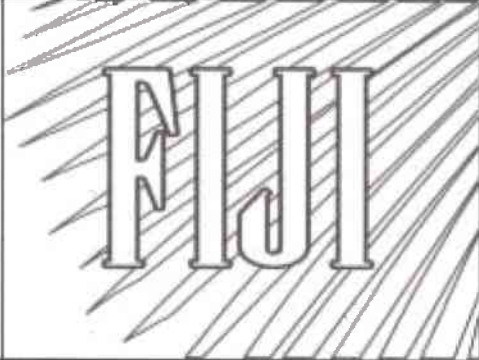
Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	2703620	Application Date	11/10/2000
Registration Date	04/08/2003	Foreign Priority Date	NONE
Word Mark	FIJI		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 1997/05/16 First Use In Commerce: 1997/05/17 NATURAL, SPRING AND ARTESIAN WATER FOR DRINKING


U.S. Registration No.	3282520	Application Date	09/22/2005
Registration Date	08/21/2007	Foreign Priority Date	NONE
Word Mark	FIJI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1997/05/17 First Use In Commerce: 1997/05/17 Drinking Water; Natural Artesian Water		


U.S. Registration No.	3381795	Application Date	11/29/2005
Registration Date	02/12/2008	Foreign Priority Date	NONE
Word Mark	FIJI		

Design Mark	
Description of Mark	The mark consists of a stylized rendering of palm tree fronds and the word portion of the mark, FIJI.
Goods/Services	Class 032. First use: First Use: 2005/09/01 First Use In Commerce: 2005/09/01 Drinking Water; Bottled Natural Artesian Water

U.S. Registration No.	3282513	Application Date	09/13/2005
Registration Date	08/21/2007	Foreign Priority Date	NONE
Word Mark	FIJI		
Design Mark			
Description of Mark	The mark consists of a stylized rendering of a hibiscus flower surrounded by foliage, above which appears the word portion of the mark, FIJI.		
Goods/Services	Class 032. First use: First Use: 2005/09/01 First Use In Commerce: 2005/09/01 Drinking Water; Natural Artesian Water		

U.S. Registration No.	2937191	Application Date	11/10/2000
Registration Date	04/05/2005	Foreign Priority Date	NONE
Word Mark	FIJI		

Design Mark	
Description of Mark	The mark consists of a configuration of a bottle with a blue cap for the goods with designs shown on labels on the front and back of the bottle. The design on the front label consists of the term "Fiji" and tropical flowers and foliage. The design on the back label consists of a waterfall which faces the interior of the bottle. When the designs are viewed together from the front, they form a complete scene. The bottle cap is shown in dotted lines and is not claimed as part of the mark.
Goods/Services	Class 032. First use: First Use: 1997/05/16 First Use In Commerce: 1997/05/17 NATURAL, SPRING AND ARTESIAN WATER FOR DRINKING

U.S. Registration No.	3285644	Application Date	09/13/2005
Registration Date	08/28/2007	Foreign Priority Date	NONE
Word Mark	FIJI		
Design Mark			
Description of Mark	The mark consists of a label placed on the front of a bottle and a label placed on the back of a bottle. The design on the front label consists of the stylized word FIJI and a stylized rendering of a hibiscus flower surrounded by foliage. The design on the back label consists of palm tree fronds, which faces the interior of the bottle. When the two designs are viewed together from the front, they form a complete scene. The bottle cap and bottle configuration are shown in dotted lines and are not claimed as a part of the mark.		
Goods/Services	Class 032. First use: First Use: 2005/09/01 First Use In Commerce: 2005/09/01 drinking water; natural artesian water for drinking		

Attachments	76162278#TMSN.gif (1 page)(bytes) 78718517#TMSN.jpeg (1 page)(bytes) 78762941#TMSN.jpeg (1 page)(bytes) 78712299#TMSN.jpeg (1 page)(bytes) 76162290#TMSN.gif (1 page)(bytes)
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	78712270#TMSN.jpeg (1 page)(bytes) Notice of Opposition re Ser.No. 77679983 for VITI.pdf (4 pages)(79946 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/ Craig B. Cooper /s/
Name	Craig B. Cooper, Esq.
Date	07/30/2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 77/679,983: VITI
Published in the *Official Gazette* of June 30, 2009

PARAMOUNT INTERNATIONAL)	
EXPORT, LTD.,)	
)	
Opposer,)	Opposition No. _____
)	
v.)	
)	
FMV USA LICENSING, LLC,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Paramount International Export, Ltd. ("Opposer"), a company located and doing business at 11444 W. Olympic Boulevard, Los Angeles, California 90064, believes it will be damaged by the registration of the trademark VITI in International Class 32 for "non alcoholic beverages, namely, drinking water" shown in Application Serial No. 77/679,983 (the "VITI Application" or "VITI Mark") filed by FMV USA Licensing, LLC ("Applicant"), and hereby oppose the same.

As grounds for this opposition, Opposer alleges:

1. Since long before December 2004, the date of first use claimed in Applicant's VITI Application, Opposer and its affiliates have been extensively marketing and selling bottled natural artesian drinking water under the FIJI mark and additional marks which include FIJI as part of the mark (the "FIJI Marks").

2. Opposer's bottled natural artesian drinking water has long been marketed and sold in a distinctive rectangular shaped bottle configuration with a distinctive blue cap and distinctive

label.

3. Opposer owns several registrations for the FIJI Marks with the United States Patent and Trademark office, including but not limited to, Reg. Nos. 2,703,620; 3,282,520; 3,381,795; 3,282,513; 2,937,191; and 3,285,644. These registrations are valid, subsisting, and owned by the Opposer. In addition, Reg. No. 2,703,620 is incontestable pursuant to 15 U.S.C. §§1064 and 1115(b).

4. Opposer also owns a registration for its distinctive bottle configuration with the distinctive blue cap with the United States Patent and Trademark Office, Reg. No. 2,911,918. This registration is valid, subsisting, and owned by Opposer.

5. Opposer has sold millions of dollars worth of products in connection with the FIJI Marks.

6. Opposer has spent significant sums of money advertising and promoting FIJI products in connection with the FIJI Marks throughout the United States.

7. By virtue of the popularity of Opposer's drinking water offered in connection with the FIJI Marks and its advertising and promotion of the FIJI Marks, Opposer has built and owns extremely valuable goodwill symbolized by and associated with the FIJI Marks.

8. On information and belief, Applicant's VITI Mark means FIJI in Fijian.

9. On information and belief, Applicant uses the VITI Mark in connection with the marketing and sale of bottled drinking water sold in rectangular-shaped bottles with a blue cap.

10. Applicant's use of the VITI Mark for "non alcoholic beverages, namely, drinking water" in International Class 32 ("Applicant's Goods") is without Opposer's consent or permission.

11. On information and belief, neither Applicant nor any predecessor or related company of Applicant made actual use of the VITI Mark prior to the claimed December 2004 date of first use in Application Serial No. 77/679,983.

12. Applicant's use of the VITI Mark is likely to cause confusion, mistake, or deception in that consumers are likely to believe Applicant's Goods are Opposer's products or the products of a person or entity that is sponsored, authorized or licensed by, or in some other way legitimately connected with, Opposer.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and that Application Serial No. 77/679,983 be denied registration.

Please debit our Deposit Account No. 502934 for the \$300 filing fee and for any additional necessary fees.

Please address all correspondence to Craig B. Cooper, Esq., Senior Vice President & Chief Legal Officer, Roll International Corporation & Affiliates, 11444 West Olympic Boulevard, Los Angeles, CA 90064.

Respectfully Submitted,

Date: July 30, 2009

PARAMOUNT INTERNATIONAL
EXPORT, LTD.

By: /s/ Craig B. Cooper /s/
Craig B. Cooper
11444 West Olympic Blvd., 10th Floor
Los Angeles, California 90064
Tel. (310) 966-5728
Fax (310) 966-5758

CERTIFICATE OF SERVICE

I, Danielle M. Criona, herby certify that a copy of this NOTICE OF OPPOSITION has been served, upon:

Eric J. Goodman
BURKHALTER KESSLER GOODMAN & GEORGE LLP
2020 Main Street, Suite 600
Irvine, CA 92614-8226

by first class mail, postage prepaid, on this 30th day of July, 2009.

By: /s/ Danielle M Criona /s/
Danielle M Criona, Esq.
Roll International Corp.
11444 West Olympic Blvd.
Los Angeles, CA 90064
Tel. (310) 966-5728
Fax (310) 966-5758

EXHIBIT “I”



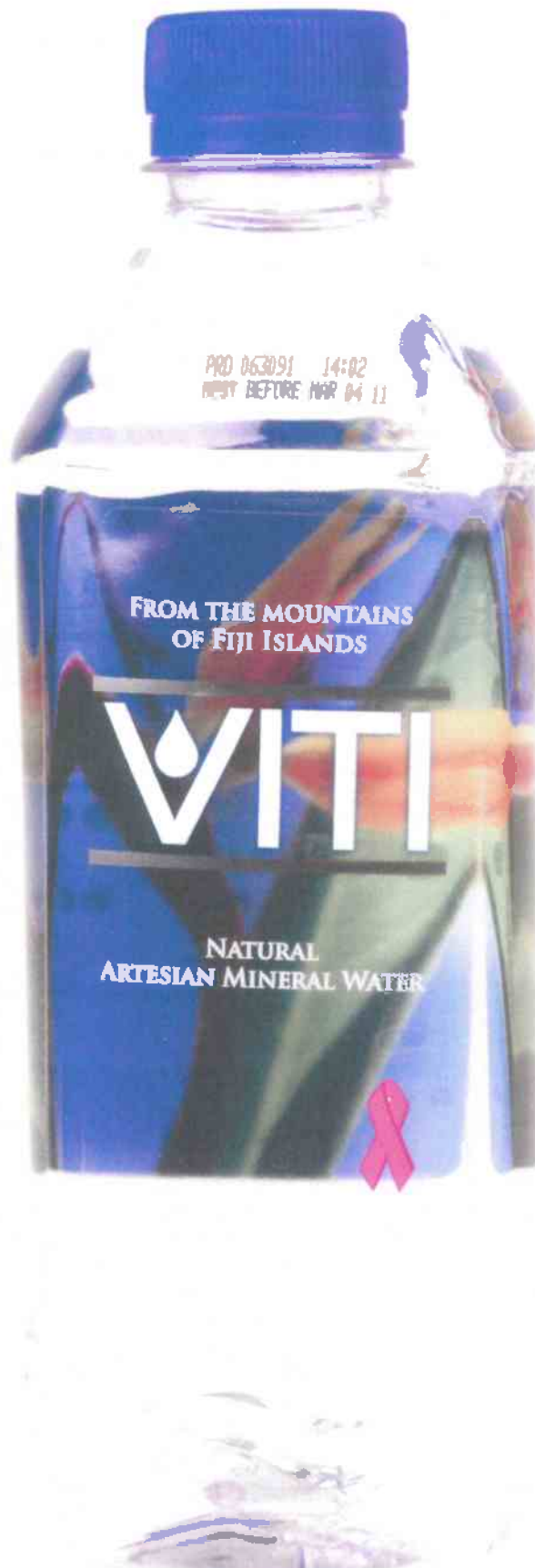
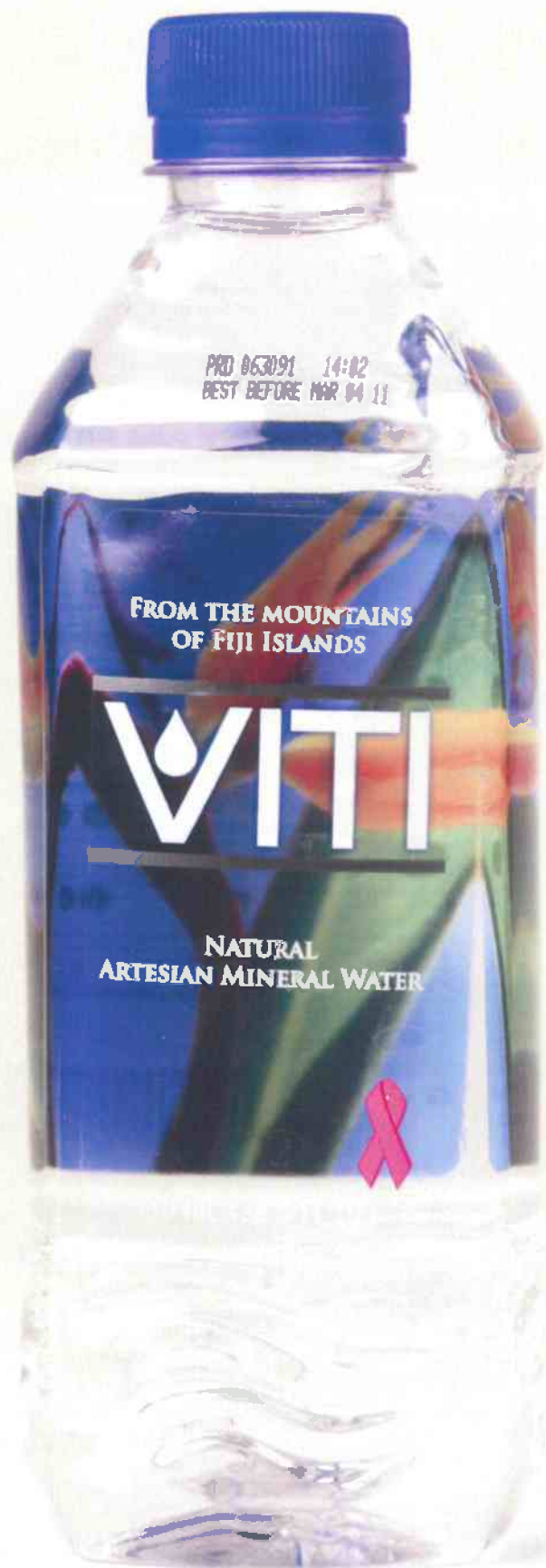


EXHIBIT “J”



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Cormac J. Carney and the assigned discovery Magistrate Judge is Marc Goldman.

The case number on all documents filed with the Court should read as follows:

SACV09- 1148 CJC (MLGx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☒ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIAFIJI WATER COMPANY, LLC, a Delaware limited liability company;
PARAMOUNT INTERNATIONAL EXPORT LTD., a Cayman Islands
company limited by shares, and NATURAL WATERS OF VITI
LIMITED, a Fijian private company limited by shares,

PLAINTIFF(S)

v.

FIJI MINERAL WATER USA, LCC, a Delaware limited liability company; FMW
USA LICENSING, LLC, a Delaware limited liability company; MINERAL
WATERS OF FIJI, a business form unknown; PURE MINERAL WATERS OF
FIJI, LLC, a California limited liability company; FIJI IMPORTS, LLC, a
California limited liability company; PRESTIGE SALES II, LLC, a California
limited liability company; STRAUB DISTRIBUTING
COMPANY, LLC, a California limited liability company; STRAUB
DISTRIBUTING COMPANY, LTD., a California
partnership; DOES 1-10

DEFENDANT(S)

CASE NUMBER

SACV09-01148 CJC MLGx

SUMMONS

TO: DEFENDANT(S): FIJI MINERAL WATER USA, LLC; FMW USA LICENSING, LLC; MINERAL WATERS OF
FIJI; PURE MINERAL WATERS OF FIJI, LCC; FIJI IMPORTS, LLC; PRESTIGE SALES II, LLC; STRAUB
DISTRIBUTING COMPANY, LLC; STRAUB DISTRIBUTING COMPANY, LTD., DOES 1 - 10

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Christopher Van Gundy, whose address is 11444 W. Olympic Blvd., 10th Fl., Los Angeles, CA 90064. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: OCT - 6 2009By: CHRISTOPHER POWERS

Deputy Clerk

(Seal of the Court)

SEAL

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)

FIJI WATER COMPANY, LLC, a Delaware limited liability company, PARAMOUNT INTERNATIONAL EXPORT LTD., a Cayman Islands Company et al.

DEFENDANTS

FIJI MINERAL WATERUSA, LLC, et al., a Delaware limited liability company, et al.

(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):

County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

ANDREW E. ASCH
 CHRISTOPHER VAN GUNDY
 ROLL INTERNATIONAL CORPORATION - LEGAL
 11444 West Olympic Blvd. - 10th Floor
 Los Angeles, California 90064
 (310) 966-5700

Attorneys (If Known):

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
 (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
 (Place an X in one box for plaintiff and one for defendant.)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

in an amount

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$ exceeding \$1,000,000

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

FEDERAL TRADEMARK AND TRADE DRESS INFRINGEMENT; VIOLATION OF THE LANHAM ACT SECTION 43(A); FEDERAL TRADEMARK DILUTION; UNFAIR COMPETITION UNDER CALIFORNIA BUSINESS & PROFESSIONS CODE SECTION 17200 ET SEQ.; CALIFORNIA COMMON LAW UNFAIR COMPETITION

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 460 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 480 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litig.
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 610 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	SOCIAL SECURITY
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 388 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY		<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 863 DRWC/DIWW (405(g))
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation		<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 680 Occupational Safety/Health	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure		<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment				FEDERAL TAX SUITS
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

SACV09-01148

FOR OFFICE USE ONLY: Case Number: _____

#180
UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Appear to arise from the same or substantially identical transactions, happenings, or events;
☐ B. Involve the same or substantially the same parties or property;
☐ C. Involve the same patent, trademark or copyright;
☐ D. Call for determination of the same or substantially identical questions of law, or
☐ E. Likely for other reasons may entail unnecessary duplication of labor if heard by different judges.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

SEE ATTACHED "PLAINTIFF VENUE"

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

☐ Check here if the U.S. government, its agencies or employees is a named defendant.

SEE ATTACHED "DEFENDANT VENUE"

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Los Angeles

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Andrew E. Asch

Date Oct. 1, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

PLAINTIFF VENUE:

FIJI WATER COMPANY, LLC
a Delaware limited liability company

Los Angeles County,
California

PARAMOUNT INTERNATIONAL EXPORT LTD,
a Cayman Islands company limited by shares

Los Angeles County,
California

NATURAL WATERS OF VITI LIMITED
a Fijian private company limited by shares

Los Angeles County,
California

DEFENDANT VENUE:

FIJI MINERAL WATER USA, LLC
a Delaware limited liability company

Orange County, California

FMW USA LICENSING, LLC
a Delaware limited liability company

Orange County, California

MINERAL WATERS OF FIJI
a business form unknown

PURE MINERAL WATERS OF FIJI, LLC
a California limited liability company

Orange County, California

FIJI IMPORTS, LLC
a California limited liability company

Sonoma County, California

PRESTIGE SALES II, LLC
a California limited liability company

Orange County, California

STRAUB DISTRIBUTING COMPANY, LLC
a California limited liability company

Orange County, California

STRAUB DISTRIBUTING COMPANY, LTD.
a California partnership

Orange County, California